

Docket No.: 215752WO20

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

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ATTORNEYS AT LAW

ECKHARD H. KUESTERS  
(703) 413-3000  
EKUESTERS@OBLON.COM

MICHAEL E. MONACO  
REGISTERED PATENT AGENT  
(703) 413-3000  
MMONACO@OBLON.COM

RE: Application Serial No.: PCT/US02/33654

Applicants: Qiang LI, et al.

Filing Date: November 22, 2002

For: COMPUTERIZED SCHEME FOR DISTINGUISHING  
BETWEEN BENIGN AND MALIGNANT NODULES  
IN THORACIC COMPUTED TOMOGRAPHY  
SCANS BY USE OF SIMILAR IMAGES

Group Art Unit: 2623

Examiner: Martin Miller

**Technology Center 2600**

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO WRITTEN OPINION DATED OCTOBER 24, 2003**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

Registration No. 28,870

Customer Number

**22850**

(703) 413-3000 (phone)

(703) 413-2220 (fax)

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Michael E. Monaco

Registration No. 52,041

November 26, 2003



Assistant Commissioner for Patent  
Box PCT-IPEA/US  
Washington, D.C.  
20231

**COURTESY  
COPY**

ATTORNEYS AT LAW

ECKHARD H. KUESTERS  
(703) 413-3000  
EKUESTERS@OBLON.COM

MICHAEL E. MONACO  
REGISTERED PATENT AGENT  
(703) 413-3000  
MMONACO@OBLON.COM

Response under PCT Article 34  
Application No. PCT/US02/33654  
UNIVERSITY OF CHICAGO: UCHI947  
Our Docket: 215752WO-730-730-20

Dear Sir:

In response to the Written Opinion dated October 24, 2003, please see the following remarks:

Like the Official Action received in the U.S. equivalent to the above-identified application (U.S. Application No. 09/990,377), the Written Opinion includes a finding that Claims 1, 8, 11-14, and 17-19 lack novelty under PCT Article 33(2) as being anticipated by Komiya (U.S. Patent No. 5,754,676); Claims 2-6 lack an inventive step under PCT Article 33(3) as being obvious over Komiya in view of Giger (U.S. Patent No. 5,984,870), Claims 9-10 lack an inventive step under PCT Article 33(3) as being obvious over Komiya in view of Giger and Yoshida et al (U.S. Patent No. 6,078,680); Claims 15-16 lack an inventive step under PCT Article 33(3) as being obvious over Komiya in view of Guha (U.S. Patent No. 5,737,452); and Claim 7 lack an inventive step under PCT Article 33(3) as being obvious over Komiya in view of Cabib.

As a first point, we note that the U.S./International Patent No. for the Cabib reference was not provided in the Written Opinion or in the previously issued International Search Report. However, in the Official Action issued in the U.S. case, Cabib was identified as U.S. Patent No. 5,784,162. On November 7, 2003, we spoke to the Examiner for both the U.S. and PCT cases and verified that the reference cited in the PCT case is the same as the Cabib reference cited in the U.S. case. In addition, the Written Opinion identifies the reference as both Cabib and Carib, whereas the correct identification is Cabib. We request the record be updated with the correct patent number and inventor name.

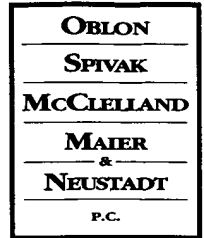
As a second point, Applicants' representative conducted a personal interview with the Examiner on April 17, 2003 regarding the identical rejections in the U.S. case. During this

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Reply to Written Opinion dated October 24, 2003

Application No. PCT/US02/33654

Our Docket: 215752WO-730-730-20



interview, the Examiner agreed that the cited references do not teach the invention claimed in the U.S. application and to withdraw the pending rejections. During the telephone conversation of November 7, 2003, the Examiner agreed that the rejections issued in this PCT case should similarly be withdrawn. The Examiner suggested we file a response to the Written Opinion issued in this case in which we refer to his decision of April 17, 2003. Upon receipt, the Examiner agreed to then withdraw the rejections pending in this PCT case and issue another Written Opinion.

In view of the discussion above, it is believed that the issue of a favorable International Preliminary Examination Report in the present case is now appropriate.

**A copy of this letter and its enclosures is being hand-carried to Examiner Martin Miller.**

Very truly yours,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

**COURTESY  
COPY**

Eckhard H. Kuesters  
Registration No. 28,870  
Attorney of Record  
Michael E. Monaco  
Registration No. 52, 041

Customer Number

**22850**

Tel: (703) 413-3000

Fax: (703) 413-2220

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